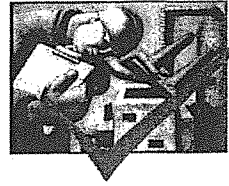




COMPLIANCE PLUS SERVICES



September 1, 2015

Via UPS Ground

Nancy C. Marker
Delaware Department of Natural Resources & Environmental Control
Division of Air and Waste Management
Solid and Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901

RE: Submission of Application for Permit Renewal and Modification of the Resource Recovery Permit for Clean Earth of New Castle, LLC ("CENC"), 94 Pyles Lane, New Castle, Delaware 19720; Permit No. SW-02b16.

Dear Ms. Marker:

Compliance Plus Services, Inc. ("CPS") is pleased to submit one original, two copies and one electronic copy of the enclosed Permit Application request, on behalf of Clean Earth of New Castle, LLC, to renew and reissue the Resource Recovery Permit (Permit No.: SW-02b16) for the above referenced facility. Additionally, as required by Title 8 Chapter 900 Section 6.3.1, two public versions of the permit package are being submitted along with an electronic copy with the confidential information redacted.

The enclosed application includes a completed copy of the Department's renewal application checklist and accompanying attachments for your consideration and review.

Also included with this letter is the required request for Confidentiality Claim for this submission. The Claim addresses the specifics required in Delaware Administrative Code, Title 8 Chapter 900 Section 6.2.1 - 6.2.4 and a Certification of Confidentiality.

Finally, attached is a description of the changes presented in this application, outlining the revisions and where they can be located in the application. Please note for ease of review, all changes to the Operating Procedure Narratives have been presented in redline/strike out format with additions in blue.

www.CPS-2Comply.com:

Premier Industry Provider of Environmental and Safety Services

P.O. Box 186

Hatboro, PA 19040

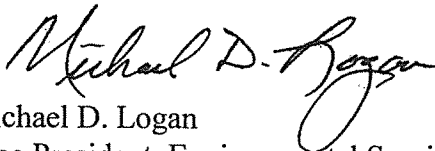
Ph: 215-734-1414 Fax: 215-734-1424

1-866-976-PLUS (7587)

Nancy C. Marker, DNREC
Permit Renewal Application and Modification for Clean Earth of New Castle, LLC
September 1, 2015
Page 2 of 2

We hope that this submission adequately satisfies the Department's requirements for review and approval of this renewal request. Should you have any questions or comments concerning the information provided herein, please do not hesitate to contact me at 215.734.1414 or via electronic mail at mlogan@cps-2comply.com.

Sincerely,



Michael D. Logan
Vice President, Environmental Services
Compliance Plus Services, Inc.
Corporate Consultant to the Clean Earth Companies

Enclosure

cc: Paul Lane, Clean Earth of New Castle, LLC
Averil Rance, Clean Earth, Inc.

Summary of Proposed Changes Associated with Clean Earth of New Castle, LLC Permit Modification/Renewal Application for Permit No. SW-02b16

The primary change that Clean Earth of New Castle, LLC ("CENC") is seeking is approval to process petroleum hydrocarbon contaminated soils utilizing a bioremediation treatment process. This biological treatment will utilize biologically engineered materials containing microbes that can digest and degrade petroleum compounds in soil. This process is primarily outlined in Operating Module 3 – Management Procedures for Biological Remediation Soil (BRS) Contaminated with Petroleum Hydrocarbons. Since this is a completely new operating module no changes are presented in redline/strikeout format.

Another proposed change is that CENC is seeking to modify the soil testing and acceptance criteria as presented in Tables 3-1, 3-2 and 3-3.2 of the General Operations Plan –Thermal Remediation and Recovery of Hydrocarbon Contaminated Soil and Operating Module 1 – Management Procedures for Direct Reuse Soils (DRS).

The primary reason for this change is to align the required testing in Table 3-2 with the EPA Superfund Analytical Services Contract Laboratory Program Target Compounds and Analyte List (TCL/TAL). The request is being made to have the required additional analytical testing schedule match the TCL/TAL list as this is the accepted list of parameters, laboratories typically utilize when testing for metals, volatiles, semi-volatiles and pesticides. Please note the changes in Table 3-2 are not presented in redline/strike out as the entire TCL/TAL list replaced the currently approved list and actually expanded the list of parameters to be tested.

Additionally Table 3-1 for TRS, BRS, and DRS soils have been modified to request approval of more representative sampling to characterize the incoming soils.

Based on extensive experience in reviewing analytical, CENC believes that the full TCLP analysis which includes volatiles and semi-volatiles for incoming soils can be substituted with partial TCLP for Total RCRA metals and testing for TCLP volatiles, semi-volatiles should only be required if due diligence or the history of the site indicates levels of these parameters are reasonably expected to be present.

The third change with regard to Table 3-1 for both the General Operating Module and Module 1 is the elimination of testing incoming soils for Total Petroleum Hydrocarbons (TPH) and Total Organic Halogens (TOX). These do not aid in the characterization of the material and this reduces duplication testing which is required as part of the incoming load verification testing for TRS, BRS and DRS soils for TPH and TOX.

CENC is also seeking to increase the acceptance limit for soils containing PCB's from 1mg/kg to 3mg/kg based on the Delaware Landfill Reuse Limit currently referenced in CENC's sister

company, Clean Earth of Philadelphia's approved BUD. Alternatively, the PCB limit would be equivalent to the approved end use criteria for beneficial use. This change can be found in Table 3-1 of the General Operations Plan and Operating Module 1, Management Procedures for Direct Reuse Soils.

Finally CENC is seeking to reduce the in-truck sampling requirement for extended or long term projects. CENC is preparing, as outlined in Section 3.3 Incoming Load Verification, to eliminate the requirement to complete in-truck sampling each operating day for projects that extend for longer than five (5) operating days. The proposed reduction will only be implemented if all previous load verification levels are 75% below the acceptance limit. This change will reduce truck wait times and improve onsite traffic congestion when several long-term projects are occurring at the same time.

Confidentiality Claim

Request for Confidentiality Claim for Clean Earth of New Castle, LLC

The attached Clean Earth of New Castle, LLC (CENC) permit renewal/modification application contains information that CENC considers confidential. As such is submitting this Request for a Confidentiality Claim in accordance with Delaware Administrative Code, Title 8 Public Information, Chapter 900, Section 6.0.

CENC's sister company has operated a biological soils remediation facility in northern New Jersey for many years. The process, as described in the Module 3 and the associated documents with this application, have been refined and improved over many years of operation.

This request contains the information required in Section 6.2 to claim information is considered confidential as detailed below.

6.2.1 The measures taken to guard against undesired disclosure of the information to others;

CENC plans to prevent public disclosure of the specific vendor that provides the biologically enhanced remediation materials. This includes minimization of release of the MSDS or SDS for the biologically enhanced materials to be utilized in the remediation process. Additionally they will not provide any specific information in company brochures or literature about the specific of the material to be utilized in the bio-remediation process or specifics of the process.

6.2.2 The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

CENC is not aware that information has been provided to anyone other than the management staff of the facility and Compliance Plus Services, Inc. ("CPS"), the third party consultant to Clean Earth Inc., the parent company of the permittee. CPS, operates under a fully executed Consulting Services Agreement that prohibits disclosure of confidential information.

6.2.3 Whether disclosure of the information would be likely to result in substantial harmful effects on their competitive position, and if so, what those harmful effects would be, why the effects should be viewed as substantial, and an explanation of how the disclosure would cause such harmful effects; and

CENC's sister company, CEC has been biologically treating and processing petroleum contaminated soils for many years. Throughout this time the process and optimal mixtures and application rates have been refined and improved. Disclosure of this information would allow competitors within the market to capitalize on the private knowledge of CEC encroach on existing markets in the region.

6.2.4 Verification that significant effort or money has been expended in developing the information.

As indicated above CENC's sister company Clean Earth of Carteret, LLC (CEC) has been biologically treating and processing petroleum contaminated soils for many years. Throughout this time the process and optimal mixtures and application rates etc. have been refined and improved over many years. The knowledge gained over this time is very valuable in regards to efficient and effective biological remediation of petroleum contaminated soils which is a significant portion of Clean Earth's operations and could affect the ability of this company to compete effectively in the region.

Certification of Confidentiality

Certification of Confidentiality

I, Paul Lane, of Clean Earth of New Castle, LLC ("CENC") hereby certify that information provided in Module 3 The General Operations Plan for Biological Remediation of Soils, specifically the information on the Biological Remediation Soils Process and the type of biologically engineered materials used in the process, are proprietary and of a confidential nature. This information has been provided solely for the purposes of internal regulatory review by State Authorities. Distribution or dissemination of this information to the public could adversely affect the permittee, Clean Earth of new castle, LLC, and result in material losses or substantial hardship to the Company's ability to effectively compete in the marketplace.

Title: General Manager
Signature: Paul Lane

Date: 8-24-15

Notary:

I certify that on the 24th day of August, 2015,

Paul Lane came before me in person and signed this certification statement:

[Signature]

(Notary public)

(Seal) COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
WILMA E. LUNSFORD, Notary Public
Hatboro Township, Montgomery County
My Commission Expires May 17, 2019

*Resource Recovery
Permit Modification and
Renewal:*

*Application to Renew Resource Recovery
Permit SW-02b16*



CLEANeARTH

Clean Earth of New Castle, LLC

94 Pyles Lane

New Castle, Delaware 19720

September 2015

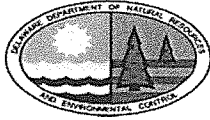
Prepared By:

Compliance Plus Services, Inc.

P.O. Box 186

Hatboro, PA 19040

215-734-1414 or 1-866-976-PLUS



CHECKLIST FOR PERSONS APPLYING FOR A PERMIT (OR RENEWAL) TO CONSTRUCT AND/OR OPERATE A RESOURCE RECOVERY FACILITY

The attached application will not be processed unless all of the following information is provided by the applicant. The following checklist is based upon the specific requirements contained in the *Delaware Regulations Governing Solid Waste* (DRGSW). Please complete this checklist by placing a check mark before each included item and submit along with the completed application to the address below. **The applicant must submit 3 copies of the completed application package as well as an electronic version suitable for distribution and posting on the DNREC website.**

Department of Natural Resources and Environmental Control
Solid & Hazardous Waste Management Branch
89 Kings Highway
Dover, DE 19901

- ☒ 1. Solid Waste Management Facility Application. [pursuant to Section 4.4.1.1 of the *Delaware Regulations Governing Solid Waste* (DRGSW)] See Section 1
- ☒ 2. Once the application has been deemed complete, the Department will invoice the applicant for remittance of the public notice fee in accordance with 7 Del. C., Section 6004. See Section 2
- ☒ 3. Proof of ownership of the property, or copy of lease agreement [pursuant to Section 4.4.1.2 of the *Delaware Regulations Governing Solid Waste* (DRGSW)]. See Section 3
- ☒ 4. A Plan of Operation [as described in Section 4.4.1.3 of the DRGSW]. See Section 4
- ☒ 5. An Engineering Report [as described in Sections 4.4.1.4 and 9.3 of the DRGSW]. See Section 5
- ☒ 6. A Recycling Analysis [as described in Section 4.4.1.5 of the DRGSW]. See Section 6
- ☐ 7. A plan for sampling, analysis, and disposition of ash or other residuals and for the documentation of non-hazardous characteristics of the incoming materials as deemed appropriate [section 4.4.1.6 of the DRGSW]. See Section 7
- ☐ 8. A Hydrogeological Assessment, if deemed necessary by the Department [pursuant to Section 4.4.1.7 of the DRGSW]. See Section 8
- ☐ 9. An Environmental Assessment [as described in Section 4.4.1.8 of the DRGSW]. See Section 9
- ☒ 10. Topographical and Site Maps [as described in Section 4.4.1.9 of the DGRSW]. See Section 10
- ☒ 11. Proof that all applicable permits, licenses, and approvals have been obtained or applied for [pursuant to Section 4.4.1.10 of the DRGSW]. See Section 11
- ☒ 12. A Conceptual Closure Plan [pursuant to Section 4.4.1.11 of the DRGSW]. See Section 12
- ☒ 13. Proof of financial responsibility for closure [pursuant to Section 4.4.1.12 of the DRGSW]. See Section 13
- ☐ 14. Proof that the Resource Recovery Facility will be sited [as described in Sections 4.4.1.13 and 9.2 of the DRGSW]. See Section 14
- ☐ 15. A completed *Applicant Background Information* form, if applicable [7 Del. C. Chapter 79]. See Section 15